

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
Civil Action File No. 5:10-cv-00591-FL

BOYKIN ANCHOR COMPANY, INC.,

Plaintiff,

v.

LARRY WONG and AT&T SERVICES, INC.,

Defendants.

**ORDER**

This matter is before the court on Defendants' Motion to File and Retain Under Seal the following documents: i) Defendants' Memorandum of Law in Support of their Motion to Compel complete responses to Request for Production of Documents No. 36; and ii) the accompanying Declaration of John Moye in support of the Motion to Compel and the exhibits and attachments thereto.

The public has been given advance notice of the parties' request to seal these materials, and the Motion was docketed well in advance of this court's decision on the Motion. *See In re Knight Publishing Co.*, 743 F.2d 231 (4<sup>th</sup> Cir. 1984). No objection has been lodged on the docket to maintaining these documents under seal. Accordingly, the issues raised by the Motion are now ripe for disposition. For good cause shown, the Motion is ALLOWED.

Because the documents sought to be sealed do not relate to a dispositive motion, they are subject to a common law right of access by the public. *See Stone v. Univ. of Md. Med. Sys. Corp.*, 855 F.2d 178 (4<sup>th</sup> Cir. 1988). This common law right of access may only be overcome by demonstrating that "countervailing interests heavily outweigh the public interest in access." *Virginia Dep't of State Police v. Washington Post*, 386 F.3d 567, 575 (4<sup>th</sup> Cir. 2004) (quoting *Rushford v. New Yorker Magazine, Inc.*, 846 F.2d 249, 253 (4<sup>th</sup> Cir. 1988)).

The materials sought to be sealed contain confidential and sensitive information about this dispute. The Court finds that the justification behind sealing this information heavily outweighs the public interest in access, particularly in light of the fact that the public has not already had access to the information contained in the records and disclosure of the documents would not enhance the public's understanding of an important historical event.

SO ORDERED, this 3<sup>rd</sup> day of may 2013

  
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LOUISE W. FLANAGAN  
United States District Court Judge